



# AGENDA

## Ordinary Meeting of Council

**14 March 2023**

### **Statement of Ethical Obligations**

The Mayor and Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the start of the council term to undertake their civic duties in the best interests of the people of Eurobodalla Shire Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the *Local Government Act 1993* or any other Act, to the best of their skill and judgement. The Mayor and Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.



**ORDINARY MEETING OF COUNCIL  
TO BE HELD IN THE COUNCIL CHAMBERS, MORUYA**

**ON TUESDAY 14 MARCH 2023**

**COMMENCING AT 12.30PM**

**AGENDA**

(Proceedings of this meeting will be recorded as per Eurobodalla Shire Council's Code of Meeting Practice)

- 1. WELCOME**
- 2. ACKNOWLEDGEMENT OF COUNTRY**
- 3. APOLOGIES**  
Nil
- 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**  
4.1 Ordinary Meeting held on 28 February 2023
- 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**  
(Declarations also to be made prior to discussions on each item)
- 6. MAYORAL REPORTS**  
Nil
- 7. NOTICES OF MOTION**  
Nil
- 8. QUESTIONS ON NOTICE FROM COUNCILLORS**  
Nil
- 9. PETITIONS**  
Nil
- 10. GENERAL MANAGER'S REPORTS**  
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- 11. PLANNING AND SUSTAINABILITY REPORTS**  
Nil
- 12. INFRASTRUCTURE REPORTS**  
Nil
- 13. COMMUNITY, ARTS AND RECREATION REPORTS**  
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- 14. DELEGATE REPORT**
- 15. URGENT BUSINESS**
- 16. DEALING WITH MATTERS IN CLOSED SESSION .....9**
- 17. CONFIDENTIAL MATTERS**

**WARWICK WINN**  
**GENERAL MANAGER**

**GMR23/014 INVESTMENTS MADE AS AT 28 FEBRUARY 2023**

**S011-T00006,  
S012-T00025**

Responsible Officer: Warwick Winn - General Manager  
Attachments: Nil  
Outcome: 5 Our engaged community with progressive leadership  
Focus Area: 5.3 Work together to achieve our collective vision  
Delivery Program Link: 5.3.1 Provide strong corporate and financial management that is ethical, fair, transparent and accountable  
Operational Plan Link: 5.3.1.1 Provide sound and strategic financial management and reporting

**EXECUTIVE SUMMARY**

The purpose of this report is to:

- certify that Council’s investments in financial instruments have been made in accordance with legal and policy requirements
- provide information and details of investments
- raise other matters relevant to investing.

**RECOMMENDATION**

THAT the certification of investments as at 28 February 2023, made in accordance with the *Local Government Act 1993*, Council’s Investment Policy and the provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2005*, be received.

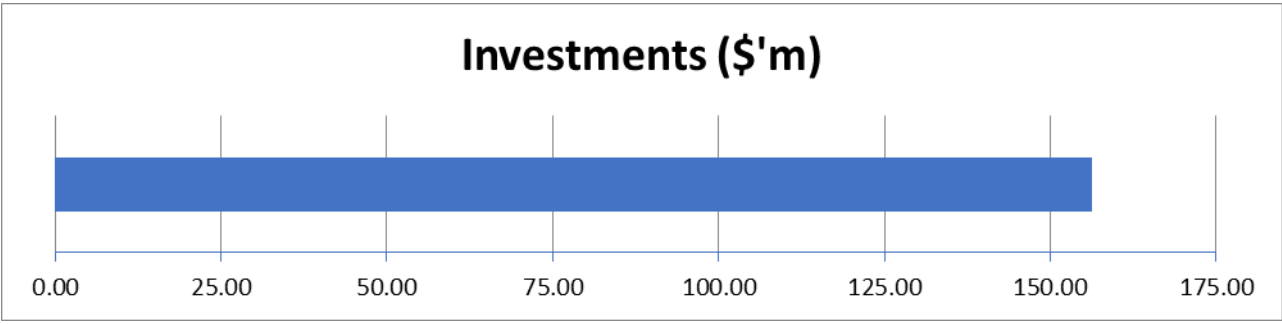
**CONSIDERATIONS**

**Policy**

The portfolio is compliant with Council’s Investment Policy adopted by Council on 9 August 2022 (Minute 22/190).

**Financial**

Council investing overall



**GMR23/014 INVESTMENTS MADE AS AT 28 FEBRUARY 2023**

**S011-T00006,  
S012-T00025**

Council has \$156.34M (100%) invested in bank deposits. The bank deposits are held in banks rated A or greater, or covered by the AAA rated Government guarantee, except for \$37.50M invested in banks rated below A, and in the 'some limited risk' category of the policy.

Investments increased by \$737k during February 2023 due to normal variations in timing of cash flows.

The 'some limited risk' category is now restricted to BBB+ rating institutions which allows up to 30% of all investments. Currently there is 23.99% invested in BBB+ rating category. Investment in Government guaranteed deposits is \$1.75M representing 1.12% of the portfolio.

There are \$56.0M (35.82%) of funds invested in institutions which either have no direct financing exposure to projects in the fossil fuel sector or no longer directly finance projects in the fossil fuel sector but still have some exposure from historical funding.

The weighted average return for all investments for the month is 3.77%, which is above the Council policy benchmark of bank bill swap rate (BBSW) + 0.25% (3.71%).

Summary investment information

The following table is a summary of investment categories and balances at month end.

<b>CATEGORY</b>	<b>(\$)</b>
At call deposit	12,085,473
Term deposits	142,510,000
Term deposits Government guaranteed	1,750,000
	<b>156,345,473</b>
<i>Weighted average interest %:</i>	3.77%
<i>Average 90 day BBSW + 0.25%</i>	3.71%

**GMR23/014 INVESTMENTS MADE AS AT 28 FEBRUARY 2023**

**S011-T00006,  
S012-T00025**

Policy and liquidity risk

The investment policy is divided into two risk categories of credit risk (risk of ultimately not being able to redeem funds) and liquidity risk (risk of loss due to the need to redeem funds earlier than the investment term). Our investments comply with the risk policy as shown in the following table.

<b>Policy risk</b>	<b>Low liquidity risk %</b>	<b>Total % of investments</b>	<b>Policy risk % (max holdings)</b>
<b>Remote risk</b>	1.12	1.12	100.00
<b>Near risk free</b>	74.89	74.89	100.00
<b>Some limited risk (BBB+)</b>	23.99	23.99	30.00
<b>Grand total</b>	<b>100.00</b>	<b>100.00</b>	

The unrestricted current ratio is the amount of unrestricted current assets compared to each dollar of current liability. The Office of Local Government suggests a minimum 1.5:1, and the audited unrestricted current ratio as at 30 June 2022 is 3.63:1. Council therefore has approximately \$3.63 of current assets for each \$1 of current liabilities.

**CONCLUSION**

Pursuant to provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2005*, I hereby certify that these investments have been made in accordance with *the Local Government Act 1993* and related regulations.

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**CAR23/003 YOUTH PROJECTS FUNDING**

**S003-T00044**

Responsible Officer: Kathy Arthur - Director Community, Arts and Recreation Services  
Attachments: Nil  
Community Goal: 2 Our community that welcomes, celebrates, and supports everyone  
Community Strategy: 2.1 Acknowledge our beginnings, embrace our diversity  
Delivery Program Link: 2.1.3 Provide services that meet changing community needs and celebrate our diversity  
Operational Plan Link: 2.1.3.4 Coordinate Youth Week events

**EXECUTIVE SUMMARY**

This report provides background information to support the acceptance of external funds offered to Council to deliver additional youth projects to community which will be implemented by the Community Development and Youth team.

A total of \$66,692 has been secured via a number of government funded departments and community development organisations to extend Council's youth program delivery in 2023. This amount includes \$15,000 in funds from the NSW government's Regional Youth Office and a grant expenditure variation of \$38,000 for funds already received by Council from Coordinaire.

**RECOMMENDATION**

THAT Council:

1. accept \$10,000 from St Vincent de Paul Society and \$15,000 from NSW Regional Youth Office's Children and Young People's Wellbeing Initiative program,
2. note the variation of bushfire recovery funds expenditure of \$38,000 for youth and community development programs, and
3. accept the NSW Department of Communities and Justice Youth Week grant of \$3,692.

**BACKGROUND**

At the end of 2022, Council's Community Development and Youth team was approached by a number of funded organisations seeking to expend government funding provided to them to assist Eurobodalla residents recover from the 2019/20 bushfires.

An application was submitted to St. Vincent de Paul Society for an amount of \$10,000 to support the delivery of youth outreach services, with a focus on 18 to 24 year olds.

A grant variation for \$38,000 of unspent bush fire recovery funds received by Council from Coordinaire was accepted for the purchase of equipment and resources for youth and community development programs.

Two applications submitted to the Regional Youth – Children and Young People Wellbeing Initiative Small Grants program were successful. One grant to co-facilitate a Colour Run in March received \$10,000, and one for a youth focused community holiday activity - Summer Beats Block Party, received \$5,000.



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**CAR23/003 YOUTH PROJECTS FUNDING**

**S003-T00044**

Annual Youth Week Funding of \$3,692 to Council was allocated from the NSW Government Department of Communities and Justice to support Council to stage local Youth Week activities and events.

**CONSIDERATIONS**

**Social Impact**

The external funds provided enable the Youth Services team to support local young people to implement a range of targeted projects. Some projects support the agency of local youth to determine the activities to address social issues deemed important to them such as the Colour Run. The Colour Run is a project of the Council's Youth Committee who feel strongly about the opportunity to promote the impact of domestic violence, and do so in collaboration with like-minded local services. The young people also are fully engaged in the development of the event, promotion of the event and the logistics of the event which gives them experience and skills they can use for life.

Other uses of funds enable the presentation of youth-centric events to connect and have fun in youth spaces such as the skate parks.

Council plans events for Youth Week each year, for which the NSW government provides each LGA with a per capita amount each year, and has won many awards for these over the years for engaging high levels of audience and having impact. As a part of our community recovery it is important for all demographics to be supported to socialise, develop skills and to participate in positive and joyful community life. These result in improved connections and wellbeing.

An exciting new opportunity planned is an outreach service to venues and spaces across the shire where the team and other services can engage with young people in places they gather or would like to gather. The outreach service will provide opportunities to develop relationships, youth engagement and voice and improve young people's knowledge of services available to them.

These funds enable our youth services team to offer additional services and evolve and respond to current needs of young people and work in conjunction with others to assist our communities of youth to participate in community life, have fun and enjoy where they live.

**Financial**

A total of \$66,692 has been secured by Council from a range of sources to support the delivery of a range of youth development activities.

**Community and Stakeholder Engagement**

We will inform the community through providing information on Council's website; Online News; Living in Eurobodalla residents newsletter; posting on Council's Facebook and Twitter; distributing a print brochure, and distributing a media release.

We have collaborated with the community through by seeking advice, ideas, and recommendations from Council's Youth Advisory Committee, working with the youth services sector and working with other stakeholders in the development of the activities.

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**CAR23/003 YOUTH PROJECTS FUNDING**

**S003-T00044**

**CONCLUSION**

Council's reputation for providing quality outcomes for young people has resulted in the securing of additional funds for youth development programs. The programs coordinated by Council's Youth Development team are seeking to meet the needs of local young people, with additional funding to provide opportunities for our young citizens to engage, grow and connect.

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### **DEALING WITH MATTERS IN CLOSED SESSION**

In accordance with Section 10A(2) of the *Local Government Act 1993*, Council can exclude members of the public from the meeting and go into Closed Session to consider confidential matters, if those matters involve:

- (a) personnel matters concerning particular individuals; or
- (b) the personal hardship of any resident or ratepayer; or
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; or
- (d) commercial information of a confidential nature that would, if disclosed;
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law; or
- (f) matters affecting the security of the council, councillors, council staff or council property; or
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege or information concerning the nature and location of a place; or
- (h) an item of Aboriginal significance on community land.

and Council considers that discussion of the material in open session would be contrary to the public interest.

In accordance with Section 10A(4) of the *Local Government Act 1993* the Chairperson will invite members of the public to make verbal representations to the Council on whether the meeting should be closed to consider confidential matters.

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## EUROBODALLA SHIRE COUNCIL

### ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

#### A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

#### ETHICAL DECISION MAKING

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Do you stand to gain personally at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

#### CONFLICT OF INTEREST

A conflict of interest is a clash between private interest and public duty. There are two types of conflict: Pecuniary – regulated by the *Local Government Act* and Department of Local Government; and Non-Pecuniary – regulated by Codes of Conduct and policy, ICAC, Ombudsman, Department of Local Government (advice only).

#### THE TEST FOR CONFLICT OF INTEREST

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of "corruption" – using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest.

#### IDENTIFYING PROBLEMS

**1st** Do I have private interests affected by a matter I am officially involved in?

**2nd** Is my official role one of influence or perceived influence over the matter?

**3rd** Do my private interests conflict with my official role?

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Whilst seeking advice is generally useful, the ultimate decision rests with the person concerned.

### AGENCY ADVICE

Officers of the following agencies are available during office hours to discuss the obligations placed on Councillors, Officers and Community Committee members by various pieces of legislation, regulation and Codes.

CONTACT	PHONE	EMAIL	WEBSITE
Eurobodalla Shire Council Public Officer	4474-1000	council@esc.nsw.gov.au	www.esc.nsw.gov.au
ICAC	8281 5999	icac@icac.nsw.gov.au	www.icac.nsw.gov.au
The Office of Local Government	4428 4100	dlg@dlg.nsw.gov.au	www.dlg.nsw.gov.au
NSW Ombudsman	1800 451 524	nswombo@ombo.nsw.gov.au	www.ombo.nsw.gov.au

Reports to Committee are presented generally by 'exception' - that is, only those items that do not comply with legislation or policy, or are the subject of objection, are discussed in a report.

Reports address areas of business risk to assist decision making. Those areas include legal, policy, environment, asset, economic, strategic and financial.

### Reports may also include key planning or assessment phrases such as:

- Setback* Council's planning controls establish preferred standards of setback (eg 7.5m front; 1m side and rear);
- Envelope* taking into account the slope of a lot, defines the width and height of a building with preferred standard of 8.5m high;
- Footprint* the percentage of a lot taken up by a building on a site plan.